

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-5, drawn to an aluminum silicate product,

Group II: Claims 6-16 and 27, drawn to a process for treating aluminum silicate,
and

Group III: Claims 17-26, drawn to an installation for the treatment of aluminum
silicate.

Applicants elect, with traverse, Group I, Claims 1-5 drawn to an aluminum silicate product.

The Examiner has categorized inventions II and I as process of making and product made and that the Group I product could be made by a materially different process such as one including treatment at 600-850°C in a fluidized bed. Invention Groups III and I are categorized as apparatus and product made and in the instant case the Examiner alleges that the product as claimed could be made in a fluidized bed and the apparatus could be used in a materially different product such as an inorganic powder. Invention Groups II and III are related as process and apparatus for its practice and the Examiner has indicated the apparatus could be used to practice a materially different process such as calcining cement.

Applicants respectfully traverse the Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all of the claims. While the Examiner has indicated that the product could be made by a different process including a fluidized bed, Applicants point out that their process is essentially carried out in a type of fluidized bed in that the aluminum silicate is in the form of dry powder and the dry powder is transported in a gas stream. In addition while the Examiner has indicated that the apparatus could be used to make a materially different product such as an inorganic

powder or in calcining cement, the Examiner has not supplied any references to substantiate this fact. The Examiner's claim is therefore improper and as such, the Restriction Requirement should be withdrawn.

Moreover the M.P.E.P. in § 803 states as follows:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Applicants respectfully request that should the product claims to aluminum silicate be found allowable, that the Examiner withdraw the Restriction Requirement at least between the product of Group I and the process of Group II and rejoin these two groups in accordance with the rejoinder procedures of M.P.E.P. § 821.04(a).

Accordingly and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits. An early notice of such action is earnestly solicited.

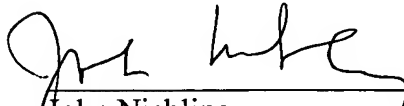
Respectfully submitted,

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